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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte RAVIKANT CHERUKURI

Appeal 2016-005376
Application 12/789,487
Technology Center 2400

Before ALLEN R. MacDONALD, JON M. JURGOVAN, and AARON W. MOORE, *Administrative Patent Judges*.

MOORE, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellant[1] appeals under 35 U.S.C. § 134(a) from a Final Rejection of claims 1–5, 7–9, 15, 16, and 19–27, which are all of the pending claims. We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

THE INVENTION

The application relates to the building of realtime websites. (Spec. ¶ 7.) Claim 1, reproduced below, is representative:

> 1. A computing device for rendering realtime webpages, the computing device comprising:
>
> a memory and a processor that are respectively configured to store and execute instructions that:
>
> render a realtime webpage, the realtime webpage including:
>
> a service interface component included as a part of the realtime webpage, wherein the service interface component is adapted to send a request for realtime information to a subscription component for processing; and
>
> a realtime object included as another part of the realtime webpage, wherein the realtime object is adapted to receive realtime information from the subscription component in response to the request from the service interface component; and
>
> implement a long poll manager, the long poll manager being adapted to maintain a parked connection between the realtime webpage and the subscription component for the transfer of realtime information, the connection being held open for a timeout period by the subscription component if information for

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[1] Appellant identifies Microsoft Technology Licensing, LLC and Microsoft Corporation as real parties in interest. (*See* App. Br. 2.)

> the realtime webpage is not available for transmission to the realtime webpage, the long poll manager also being configured to park a new connection between the realtime webpage and the subscription component in response to a closing of the parked connection.

THE REFERENCES

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Hussain et al.	US 2002/0037722 A1	Mar. 28, 2002
Timmons	US 2005/0050021 A1	Mar. 3, 2005
Bronicki et al.	US 7,694,272 B2	Apr. 6, 2010
Li et al.	US 2011/0208810 A1	Aug. 25, 2011
Timmons	US 2012/0047176 A1	Feb. 23, 2012

THE REJECTIONS

1. Claims 1–4, 8, 15, 16, 19, 21–23, and 26 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Timmons '176, Timmons '021, and Li. (*See* Final Act. 5–13.)

2. Claims 5 and 24 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Timmons '176, Timmons '021, Li, and Bronicki. (*See* Final Act. 13–14.)

3. Claims 7, 9, 20, 25, and 27 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Timmons '176, Timmons '021, Li, and Bronicki. (*See* Final Act. 14–17.)

ANALYSIS

Claim 1 recites a device configured to render a realtime webpage, where the webpage includes "a service interface component included as a part of the realtime webpage [and] adapted to send a request for realtime information to a subscription component for processing" and "a realtime object included as another part of the realtime webpage [and] adapted to receive realtime information from the subscription component in response to the request from the service interface component."

The Examiner finds the claimed "realtime object" in the "Feature Extraction object" of Timmons '176: "a realtime object ([Timmons '176]-Paragraph 86, Paragraph 90, ***Feature Extraction object***) wherein the realtime object is adapted to receive realtime information from the subscription component in response to the request from the service interface component." (Final Act. 7.) The Examiner then states that "[w]hile [Timmons '176] substantially disclosed the claimed invention [Timmons '176] did not disclose . . . a service interface component included as a part of a realtime webpage, and a realtime object included as another part of the realtime webpage, and a subscription component for processing," but that "[Timmons '021] . . . disclosed wherein the mPortlets [previously identified by the Examiner as the claimed "service interface component"] are imbedded in a realtime webpage." (Final Act. 7, emphasis omitted.) In the discussion of Timmons '021, the Examiner further identifies "a realtime object included as another part of the realtime webpage, ([Timmons '021]-Paragraph 161-169, mElement that contains several different combinations of anchors, tables, and forms) and a subscription component." (*Id.* at 8, emphasis omitted.)

Appellant argues the "applied references do not disclose or suggest 'a realtime object included as another part of the realtime webpage' . . . as recited by claim 1." (App. Br. 8.) In particular, Appellant argues that "[Timmons '176]'s Feature Extraction module 350 is a component below the user interface layer." (*Id.* at 8–9.) Appellant further argues that "there is simply no indication in either" cited reference "that Feature Extraction module 350 is/can be an mElement or otherwise be 'part of the realtime webpage[,]'" and that, "[i]nstead, [Timmons '176] teaches the exact opposite - that Feature Extraction module 350 is separate from the webpages." (Id. at 10, emphasis omitted.)

The Examiner responds by explaining that the Specification describes an embodiment "wherein the said service interface component is an API library that is installed on the website and is thus not embedded as in-line code of the webpage" and that "[t]he Examiner does not detect any distinction between the Applicant service component and the [Timmons '176] Feature Extraction Module with respect to being 'a part of the realtime webpage.'" (Ans. 3, emphasis omitted.) The Examiner further responds that "since the extraction feature is acting on the objects of information on the said webpage in order to render the webpage then the said extraction feature module is considered to be part of the webpage." (*Id.*)

Based on the Answer, we understand that the Examiner is relying on Timmons '176's Feature Extraction Module, not Timmons '021's mPortlets or mElements, as the claimed "realtime object." As Appellant observes, however, the Feature Extraction Module is not included as part of the webpage. (*See* Timmons '176 Fig. 3 & ¶ 86 ("The Feature Extraction module 350 provides for reducing a Web page to its smallest network

objects and creating a Feature Extraction 'tag' or 'Web fingerprint' of the object; this tag may be referenced again to find the object in the future.").) The fact that Appellant's Specification describes how the service interface component—not the realtime object—may be outside the web page is immaterial both because it is a different component and because the *claim* specifically requires that the realtime object be "part of the realtime webpage." And it is not sufficient, given the claim language, for the Feature Extraction Module to "act[] on the objects of information on the said webpage in order to render the webpage"; again, the claim specifically requires that the realtime object be "part of the realtime webpage."

Because we find the Examiner has not identified a "realtime object" that is "part of [a] realtime webpage," we decline to sustain (a) the Section 103(a) rejection of that claim; (b) the Section 103(a) rejections of independent claims 15 and 21, which include analogous limitations; or (c) the Section 103(a) rejections of dependent claims 2–5, 7–9, 16, 19, 20, and 22–27, all of which are similarly limited. Because this issue is dispositive, we do not reach Appellant's other arguments.

DECISION

The rejections of claims 1–5, 7–9, 15, 16, and 19–27 are reversed.

REVERSED